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4 Attorney for Defendant, JOSE MEDINA PRADO  
5

6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
8  
9

10 UNITED STATES OF AMERICA, )

11 Plaintiff, )

12 v. )

13 JOSE MEDINA PRADO, )

14 Defendant. )  
15

CASE NO: CRF 05-00146 LJO

**STIPULATION AND  
ORDER TO CONTINUE  
CONTINUE STATUS CONFERENCE**

16 The parties hereto, by and through their respective attorneys, and with the  
17 specific agreement of defendant Jose Medina Prado, stipulate and agree that the  
18 status conference/motions hearing calendared for July 13, 2007 be continued until  
19 August 24, 2007 at 9:00 a.m.

20 The defense has provided to the government information, and references to  
21 documents received in discovery, which the defendant strongly believes are  
22 exculpatory. The government has agreed to investigate, in good faith, to  
23 determine the accuracy of the information provided by Mr. Medina Prado.  
24 Specifically, the government has agreed to attempt to locate immigration records  
25 of Mr. Medina Prado to determine the accuracy of his assertion that he believed  
26 that he lawfully entered the United States and that he detrimentally relied upon  
27 statements made to him by an employee of the Department of Homeland Security.

28 Mr. Medina Prado, who is currently serving a four year sentence from Kern

1 County and does not expect to be released until October of 2007, specifically  
2 agrees that time be excluded under the speedy trial act and also that any delay  
3 resulting from this continuance shall be excluded in the interest of justice pursuant  
4 to 18 U.S.C. §§3161(h)(1)(F), 3161(h)(8)(A) and 3161(h)(8)(B)(I).

5 Further, Mr. Medina Prado adamantly believes that it is in his best interest  
6 to have the government investigate this matter at this time without setting the  
7 case for trial. The length of the continuance is based on the prosecutor's  
8 experience obtaining similar type records in other actions.

9  
10 DATED: July 12, 2007

11 \_\_\_\_\_  
12 SHERRILL CARVALHO  
13 Assistant United States Attorney  
14 **This was agreed to by Ms. Carvalho**  
15 **via telephone on July 12, 2007**

16  
17 DATED: July 12, 2007

18 \_\_\_\_\_/s/  
19 ROGER K. LITMAN  
20 Attorney for Defendant  
21 JOSE MEDINA PRADO

22 THE COURT HAS RECEIVED AND REVIEWED THE STIPULATION AND FINDS GOOD CAUSE  
23 TO EXCLUDE TIME AND CONTINUE THE STATUS CONFERENCE TO AUGUST 24, 2007 AT  
24 9 A.M.

25 IT IS SO ORDERED.

26 Dated: July 12, 2007

27 \_\_\_\_\_/s/ Lawrence J. O'Neill  
28 UNITED STATES DISTRICT JUDGE